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09/661,499	09/14/2000	Juergen Stark	2150/21	8756

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

pre

Office Action Summary	Application No. 09/661,499	Applicant(s) STARK ET AL.	
	Examiner Benjamin R Bruckart	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 62-65 is/are pending in the application.
- 4a) Of the above claim(s) 13-24,32-61 and 66-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 62-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-24,32-61 and 66-76 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 1-13, 62-65 are pending in this Office Action.

Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-24, 32-61, 66-76 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. See also MPEP 821.03

Election/Restrictions

Newly submitted claim 1-24, 32-76 are directed to an inventions that are independent or distinct from the invention originally claimed for the following reasons:

I. Claims 1-13, 62-71, are drawn to an invention with means for routing a message by routing indicator, classified in class 709, subclass 238.

II. Claims 14-24, 58-61 are drawn to an invention that formats messages based on the endpoint computer, classified in class 709, subclass 246.

III. Claims 32-37, 66-71 are drawn to an invention that assigns and determines resources based on nicknames parsed from messages to determine the format and endpoint of the receiver, classified in 709, subclass 226.

IV. Claims 38-45, 75 are drawn to an invention organizing messages based on events that are retail and order driven, classified 705, subclass 26.

V. Claims 46-57, 76 are drawn to an invention that confirms and synchronizes the timing and transfer of data, classified in 709, subclass 230.

The inventions are distinct, each from the other because of the following reason:

Invention Groups I-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are show to be separately usable. In the instant case, invention in Group I has separate utility routing data by indicator and nickname. See MPEP § 806.05(c). Invention in Group II has separate utility and formats data based upon the receiving point. Invention III has separate utility because it is action and event driven based on commercial ordering or transactions. Invention IV's separate utility is based on the confirming of data sent and is therefore a timing and synchronizing of data system.

Inventions in Group I –IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are (1) routing data, (2) formatting data, (3) assigning and determining endpoint parsed from nickname of the message, (4) remote ordering based on action and events, and (5) protocol implementation for timing and confirmation of sent data.

Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, IV, or V, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-24, 32-61, 66-76 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. See also MPEP 821.03

Information Disclosure Statement

The information disclosure statement filed on paper 11 has been considered.

Response to Arguments

Applicant's arguments with respect to claims 1-24, 32-76 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's invention as claimed:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-12, 62-65 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,347,340 by Coelho et al.

Regarding claim 1, a communications platform that enables users to receive electronic messages from corporations and others comprising a message-processing platform (Coelho: col. 2, lines 46-54), said processing platform comprising logic for:

receiving an electronic message for a user (Coelho: col. 3, lines 53-55; received network message), the electronic message comprising a routing indicator (Coelho: col. 5, lines 56- col. 6, line 7; msgin);

accessing a user-defined endpoint table (Coelho: col. 4, lines 28-39; information in the configuration table), the endpoint table correlating endpoints with routing indicators (Coelho: col. 4, lines 28-39);

selecting at least one endpoint for a plurality of endpoints based on the routing indicator in the electronic message and the user-defined endpoint table (Coelho: col. 4, lines 28-39; selecting a conduit or destination path); and

routing at least a portion of the electronic message to the at least one endpoint (Coelho: col. 4, lines 40-41).

Regarding claim 2, the communications platform in claim 1, wherein the routing indicator is an XML routing indicator (Coelho: col. 5, lines 56- col. 6, line 7).

Regarding claim 5, the communications platform in claim 2, wherein said XML routing indicator comprises an electronic message definition document (Coelho: col. 7, lines 37-43), wherein said definition document is used by the communications platform to automatically determine how to display, summarize and process the electronic message (Coelho: col. 5, lines 60-65).

Regarding claim 6, the communications platform in claim 5, wherein said electronic message definition document comprises an entity (Coelho: col. 14, line 33; entity declaration) and a class (Coelho: col. 7, line 63, 67)

Regarding claim 10, the communications platform in claim 2, wherein the electronic message comprises an attribute (Coelho: col. 5, lines 56- col. 6, line 7) and a reference to a stylesheet (Coelho: col. 5, line 44, referenced node; stylesheets are used to format or convert data for

display purposes. The direct acyclic graph col. 4, lines 10-15 acts as the stylesheet expanding the messages), the stylesheet including definitions for the plurality of attributes; and

wherein the processing platform accesses the stylesheet based on the reference in the electronic message to define the attribute (Coelho: col. 13, lines 35-53; col. 5, lines 25-45).

Regarding claim 11, the communications platform in claim 10, wherein the attribute of the electronic message comprises immediacy indicating time sensitivity of the electronic message (Coelho: col. 6, line 7);

wherein the endpoint table comprises user-defined endpoints based on the immediacy of the electronic message (Coelho: col. 4, lines 28-39; selecting a conduit or destination path; col. 6, Table 5); and

wherein the server reviews the electronic message for the immediacy attribute to determine (Coelho: col. 6, line 7), based on the endpoint table, to which endpoint to route at least a portion of the electronic message (Coelho: col. 5, lines 56- col. 6, line 7).

Regarding claim 3, the communications platform in claim 1, wherein the processing platform comprises a server (Coelho: col. 3, lines 29-43; col. 8, line 41-43).

Regarding claim 4, the communications platform in claim 1, wherein the routing indicator comprises an attribute of the electronic message (Coelho: col. 6, table 5); and

wherein the attribute is selected from the group consisting of reach, immediacy, sensitivity, content, expiration, and context (Coelho: col. 6, line 32, text is the content).

Regarding claim 7, the communications platform in claim 1, wherein the routing indicator of the electronic message comprises immediacy indicating time sensitivity of the electronic message (Coelho: col. 6, lines 6, 40-44);

wherein the endpoint table comprises user-assigned endpoints based on the immediacy of the electronic message (Coelho: col. 8, lines 51-53); and

wherein the server reviews the electronic message for the immediacy attribute to determine, based on the endpoint table, to which endpoint to route at least a portion of the

electronic message (Coelho: col. 8, lines 51-53; msgpriority).

Regarding claim 12, the communications platform in claim 1, wherein said at least one endpoint comprises an electronic mail box, a wired or wireless telephone, a facsimile machine, a paging device, or a personal digital assistant (Coelho: col. 1, lines 38, 16-22).

Regarding claim 62, the communications platform in claim 1, wherein the routing indicator comprises an event associated with the electronic message (Coelho: col. 5, lines 47-53);

wherein a server reviews the electronic message for the event to determine, based on the endpoint table, to which endpoint to route at least a portion of the electronic message (Coelho: col. 13, lines 55-65).

Regarding claim 63, the communications platform of 62, wherein the endpoint table comprises for each of a plurality of events at least one associated user-assigned endpoint (Coelho: col. 13, lines 55-65).

Regarding claim 64, the communications platform of 63, wherein the electronic message further comprises a reference to a stylesheet (Coelho: col. 5, lines 30-53), the stylesheet including definitions for the plurality of events (Coelho: col. 5, lines 47-53; col. 13, lines 35-40).

Regarding claim 65, the communications platform of claim 64, wherein a server accesses the stylesheet based on the reference in the electronic message to define the event (Coelho: col. 13, lines 35-40' 64-65).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,347,340 by Coelho et al in view of 6,430,272 issued to Maruyama et al.

Regarding claim 8,

The Coelho reference teaches the communications platform in claim 2, further comprising an electronic message stylesheet (Coelho: col. 2, lines 46-54; stylesheets are a form of data converted, lines 54-64), said electronic message stylesheet describes an activity (Coelho: col. 7, lines 58- col. 8, line 3) and an event (Coelho: col. 8, lines 4-29).

The Coelho reference does not explicitly state a sender stylesheet.

The Maruyama reference teaches a sender stylesheet (Maruyama: col. 9, lines 22-29; header is a formatted portion of an email) wherein said sender stylesheet describes meta-data pertaining to a sender (Maruyama: col. 9, line 25; senders name).

The Maruyama reference further teaches the message switching systems delivers unified messages for performing the message switching among various information terminals and protocols (Maruyama: col. 1, lines 36-42).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the communications platform for routing messages as taught by Coelho while employing a sender metadata as taught by Maruyama in order to deliver unified messages for performing the message switching among various information terminals and protocols (Maruyama: col. 1, lines 36-42).

Claims 9, is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Coelho et al and Maruyama.

Regarding claim 9, the communications platform in claim 8, wherein said meta-data includes information pertaining to the sender's name, website address, and industry category (Maruyama: col. 9, lines 25; col. 26, lines 65 – col. 27, line 4).

Claim 13 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,347,340 by Coelho et al in view of 6,430,272 issued to Maruyama et al in further view of U.S. Patent No. 6,167,409 by DeRose et al (Applicant IDS)

Regarding claim 13,

The Coelho and Maruyama references teach the communications platform with sender metadata.

The Coelho and Maruyama references do not explicitly state the data resides on a web server.

The DeRose reference teaches sender stylesheet and said electronic message stylesheet reside on said sender's web servers (DeRose: col. 2, lines 32-36; col. 7, lines 26-30).

The DeRose reference further teaches the system overcomes problems of storing multiple versions of documents for different client systems (DeRose: col. 5, lines 1-6).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the communications platform as taught by Coelho while employing a sender metadata as taught by Maruyama in order to eliminate the need to store multiple versions of documents for different client systems (DeRose: col. 5, lines 1-6).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
May 19, 2004
brb

BRB


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SUPERVISORY PATENT EXAMINER